

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY** )  
**COMMISSION,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**HALLIBURTON ENERGY SERVICES, INC.** )  
 )  
 )  
**Defendant.** )  
 )

**Civil Action No.  
3:16-cv-0233-CWR-FKB**

**UNOPPOSED MOTION FOR STAY AND EXTENSION WITH REQUEST  
FOR EXPEDITED RULING**

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Plaintiff Equal Employment Opportunity Commission (“EEOC”) moves this Court to stay this litigation and extend all deadlines due to the shutdown of operations of the Federal Government and lapse in appropriations. The EEOC also requests an expedited ruling on this motion.

1. EEOC is the Federal Government agency charged by Congress with interpreting, administering, and enforcing the Federal Government’s major employment discrimination laws.
2. Congress failed to pass a continuing resolution on Friday January 19, 2018, and as a result, appropriations for funding Federal Government operations lapsed as of midnight on January 19, and the Federal Government is now shut down.
3. As a Federal Government agency, EEOC is subject to the federal Anti-deficiency Act, which provides in part that an “officer or employee of the United States Government ...may not ...involve [the] government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law....” (31 U.S.C. § 1341(a)(1)(B)) and “... may not

accept voluntary services ...or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property” (31 U.S.C. § 1342). Such emergencies “do[ ] not include ongoing, regular functions of the government the suspension of which would not imminently threaten the safety of human life or the protection of property” (*id.*).

4. Because of the lapse in appropriations of Federal Government funding and the requirements of the Anti-deficiency Act, EEOC lawyers and legal support staff are prohibited from engaging in litigation activities as of midnight on January 19, 2018, with the exception of a four-hour wind-down period on Monday, January 22, 2018.

5. Therefore, the EEOC seeks an order to stay this litigation for the duration of the lapse in agency appropriations and to extend all deadlines that occur during the lapse in appropriations for the same time period as the lapse. For example, if the EEOC remains without funding from January 20, 2018 through January 27, 2018, then any deadlines occurring during that period would be extended by seven days. In this case, the EEOC requests extensions for the following deadlines which are currently set in this case: Initial Disclosures due: January 23, 2018 and a Case Management Conference set for January 30, 2018 at 2:30 p.m. before United States Magistrate Judge Linda R. Anderson.

6. Counsel for the EEOC has contacted counsel for Defendant regarding this motion and Defendant does not oppose this motion.

7. Because government operations may resume at any time, the EEOC requests an expedited ruling on this motion.

WHEREFORE, Plaintiff EEOC requests that this Court enter an Order staying the litigation of this matter due to a lapse in appropriations, lifting the stay upon restoration of appropriations, and extending all deadlines which occur during the term of any lapse in appropriations by the same time period as the lapse.

Respectfully submitted on this 22<sup>nd</sup> day of January, 2018,

/s/ Harriett Oppenheim  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 22, 2018, I filed the foregoing with the Clerk of Court using the CM/ECF system, which will electronically send notification of the filing to all attorneys of record.

s/ Harriett Oppenheim  
HARRIETT OPPENHEIM